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Date: 8-Sep-04

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United States Patent and Trademark Office

From: Mark V. Seeley              Fax: 408-765-7723              Phone: 408-765-7382

Subject:      Amendment in Application Serial No. 10/618,226

**A CONFIRMATION COPY OF THIS DOCUMENT:**

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Application No.:      10/618,226  
Filing Date:      July 11, 2003  
First Named Inventor: Robert Chau et al.  
Group Art Unite:      2813  
Examiner Name:      J. Chen  
Attorney Docket No.: 42390.P12759

**Enclosures:**

1. Transmittal Form (1 page).
2. Fee Transmittal for FY 2004 (1 page in duplicate).
3. Response (4 pages).

**Important Notice**

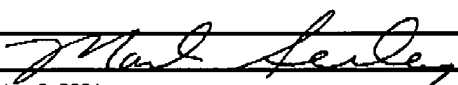
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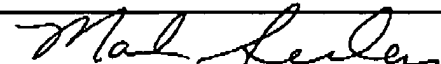
PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0851-0031  
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/818,228	
	Filing Date	July 11, 2003	
	First Named Inventor	Robert Chau et al.	
	Art Unit	2813	
	Examiner Name	J. chen	
Total Number of Pages in This Submission	7	Attorney Docket Number	042390.P12756C

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit(s)/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="text"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Mark V. Seeley	
Signature		
Date	September 8, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Mark V. Seeley	
Signature		Date September 8, 2004

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ ) 0.00**Complete if Known**

Application Number	10/618,226
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Examiner Name	J. Chen
Art Unit	2813
Attorney Docket No.	042390.P12759C

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
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Deposit Account Number	50-0221
Deposit Account Name	Intel Corporation

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☒ Charge any additional fee(s) or any underpayment of fee(s)  
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**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$ ) 0.00</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent	2	-20**	= 0	X	18	= 0	
Multiple Dependent	1	-3**	= 0	X	86	= 0	
					280	= 0	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$ ) 0.00</b>

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or cash	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ ) 0.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Mark V. Seeley	Registration No. (Attorney/Agent)	32,299	Telephone	408-765-7382
Signature		Date	September 8, 2004		

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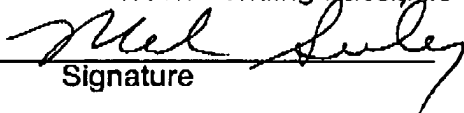
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(37 C.F.R. § 1.8(a))

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Mark Seeley  
Name of Person Sending Facsimile

  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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In re Application of:

Robert Chau et al.

Serial No.: 10/618,226

Filed: July 11, 2003

For: A METHOD FOR MAKING  
A SEMICONDUCTOR  
DEVICE HAVING A  
HIGH-K GATE DIELECTRIC

Examiner: J. Chen

Art Unit: 2813

Attorney Docket No: P12759C

SEP 08 2004

Which is a Continuation of Application:

Serial No.: 10/082,530

Filed: February 22, 2002

Examiner: C. Lee

Art Unit: 2825

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE**

Sir:

In the office action mailed August 24, 2004, the examiner concluded that applicants must elect a single disclosed species from the 13 listed in claim 21 (i.e., hafnium oxide, lanthanum oxide, zirconium oxide, zirconium silicon oxide, titanium oxide, tantalum oxide, barium strontium titanium oxide, barium titanium oxide, strontium titanium oxide, yttrium oxide, aluminum oxide, lead scandium tantalum oxide, and lead zinc niobate). Applicants admit that these 13 disclosed species are not patentably distinct. Given that admission, applicants respectfully request the examiner to withdraw the restriction requirement.

If, despite this admission, the examiner continues to maintain the restriction requirement, applicants elect hafnium oxide as the single disclosed

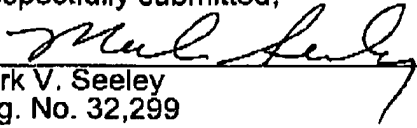
- 1 -

LJV/cak (10/01/97)

species to be examined along with the invention of claim 21. This election is accompanied by a complete listing of all claims in the application.

Dated: September 8, 2004

Respectfully submitted,

  
Mark V. Seeley  
Reg. No. 32,299

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